



161

04-26-04

3672

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Goode, Peter et al

Serial No.: 09/992,681

Filed: November 19, 2001

For: Downhole Measurement Apparatus And  
Technique

Confirmation No.: 5874

Group Art Unit: 3672

Examiner: Dang, Hoang C.

Attorney Docket: 68.0176

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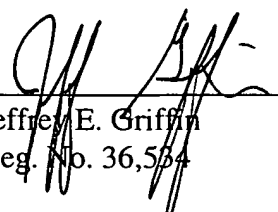
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April 23, 2004	<i>Cherie Lewis-Humstead</i>
Date	Signature

**PETITION**

Sir:

This is a copy of the Petition and pertinent documents mailed and facsimile transmitted to the USPTO on March 29, 2004. Applicant encloses a copy of the postcard containing the USPTO mailroom date stamp along with the express mail label receipt and the auto-reply facsimile transmission cover page.

Respectfully submitted,

  
\_\_\_\_\_  
Jeffrey E. Griffin  
Reg. No. 36,564



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1. Transmittal of Response to Decision on Petition to Withdraw The Holding Of Abandonment dated March 17, 2004 for Patent Application, Serial Number 10/449,469. [Our Ref: 68.0176] (32 pages)
2. Authorization to charge any fees to Deposit Account No. 50-0457.

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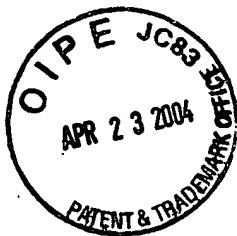
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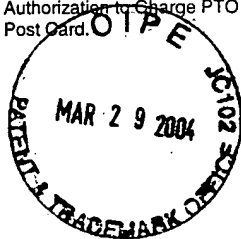
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Applicant: Goode, Peter et al      Docket No: 68.0176      March 29, 2004  
Serial No: 09/992,681  
Date Filed: November 19, 2001  
For: Downhole Measurement Apparatus And Technique

Dear Sir:

Kindly acknowledge receipt of the enclosed materials by placing your mailroom stamp on this postcard and returning same. The following items were transmitted by Express Mail, Label No. EV 335 954 289 US on the above date:

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Thank you.,

*Cherita Persons-Grimstead*  
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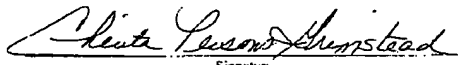
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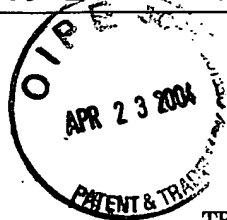
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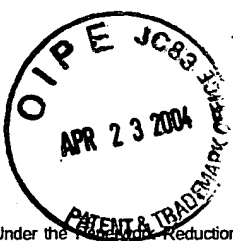
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Goode, Peter et al

Serial No.: 09/992,681

Filed: November 19, 2001

For: Downhole Measurement Apparatus And  
Technique

Confirmation No.: 5874

Group Art Unit: 3672

Examiner: Dang, Hoang C.

Attorney Docket: 68.0176

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March 29, 2004	<i>Heidi Larson Mims</i>
Date	Signature

PETITION

Sir:

This petition is being submitted via facsimile and "Express Mail" in response to the Decision on Petition To Withdraw The Holding Of Abandonment mailed March 17, 2004, which is in reference to the Decision on Petition To Withdraw The Holding Of Abandonment mailed February 6, 2004 and the Notice of Abandonment mailed on October 21, 2003. Enclosed herewith are the following:

- **Exhibit A** -- a copy of the original response bearing a signed Certificate of Transmission, which includes the date of signing; and

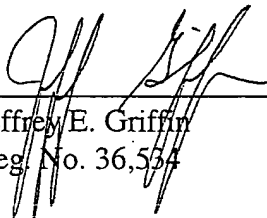
- **Exhibit B** -- a statement under 37 C.F.R. 1.8(b)(3) attesting to the personal knowledge of transmitting the original response on the date indicated on the Certificate of Transmission.

The Assistant Commissioner is authorized to deduct the petition fee (37 C.F.R. 1.17(h)) in the amount of \$130.00 from Schlumberger Technology Corporation Deposit Account No. 50-0457. The Assistant Commissioner is also authorized to deduct any other fees required for this petition from Schlumberger Technology Corporation Deposit Account No. 50-0457.

If the petition is granted, please refund the petition fee to Schlumberger Technology Corporation Deposit Account No. 50-0457.

Applicant respectfully requests reconsideration, that the application be reinstated with its original filing date of November 19, 2001 and that the petition fee be refunded.

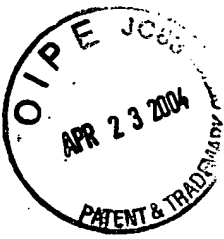
Respectfully submitted,

  
\_\_\_\_\_  
Jeffrey E. Griffin  
Reg. No. 36,554

*Please address correspondence to:*

**Jeffrey E. Griffin**  
**Schlumberger Technology Corporation**  
**14910 Airline Road**  
**P.O. Box 1590**  
**Rosharon, Texas 77583-1590**  
**Phone: (281) 285-5720**  
**Fax: (281) 285-5537**

**EXHIBIT A**



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(2 pages)
2. Authorization to charge any fees to Deposit Account No.  
50-0457.

Art Unit: 3672

Group is not required for another Group, restriction for examination purposes as indicated is proper.

4. This application further contains claims directed to the following patentably distinct species of the claimed invention: the species of figures 2-12; the species of figures 13-14; the species of figures 13-14; the species of figure 15; the species of figures 16-17; the species of figure 18; the species of figures 20-21

Applicant is further required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

Art Unit: 3672

examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Dang whose telephone number is 703-308-2149. The examiner can normally be reached on 9:15-5:45 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bagnell can be reached on 703-308-2151. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.



Application/Control Number: 09/992,681

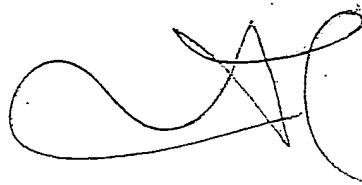
Page 5

Art Unit: 3672

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

Hoang Dang  
Primary Examiner  
Art Unit 3672

09992681.res  
March 13, 2003.

A handwritten signature in black ink, consisting of a large, stylized 'H' followed by a cursive 'D' and a final flourish.

**EXHIBIT B**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Goode, Peter et al

Serial No.: 09/992,681

Filed: November 19, 2001

For: Downhole Measurement Apparatus And  
Technique

Confirmation No.: 5874

Group Art Unit: 3672

Examiner: Dang, Hoang C.

Attorney Docket: 68.0176

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Alexandria, VA 22313-1450  
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**STATEMENT UNDER 37 C.F.R. 1.8(b)(3)**

I, Cherita Persons-Grimstead, am a Paralegal with Schlumberger Technology Corporation, having an address at 14910 Airline Road, Rosharon, Texas 77583, do hereby make the following statement: I am over the age of 21, and do hereby attest to my personal knowledge that I sent the document attached hereto as Exhibit 1, entitled "Response to Restriction Requirement," together with the document attached hereto as Exhibit 2, entitled "Certificate of Transmission under 37 CFR 1.8", via facsimile transmission on the date of March 26, 2003; and further attest that the date of March 26, 2003 is the date indicated on the Certificate of Transmission of Exhibit 2; and still further attest that I am the person who signed and dated the Certificate of Transmission of Exhibit 2 for submission with the Response to Restriction Requirement of Exhibit 1.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Date:

March 29, 2004

By:

Cherita Persons-Grimstead

Cherita Persons-Grimstead

## **EXHIBIT 1**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

GOODE, P. et al

Serial No.: 09/992,681

Filed: November 19, 2001

Title: Downhole Measurement Apparatus  
And Technique

Commissioner for Patents  
Washington, DC 20231

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Group Art No.: 3672

Examiner: Dang, H.C.

Docket No: 68.0176

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**GROUP 3600**

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:


In response to the restriction requirement mailed on March 17, 2003, the Assignee elects the claims of Group I (claims 1-20, 31-56, and 61-81) and the species of Figures 2-12 without traverse. Claims within Group I and readable on the elected species are claims 1-5, 7-8, 10-15, 17-18, 20, 31-56, 61-62, 64-68, 70-78.

The Commissioner is authorized to pay any additional fees or credit any overpayment to Deposit Account No. 50-0457.

Respectfully submitted,

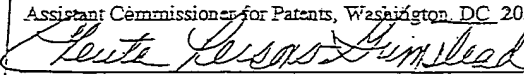
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Jeffrey E. Griffin, Reg. No. 36,534  
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Cherita Persons-Grimstead

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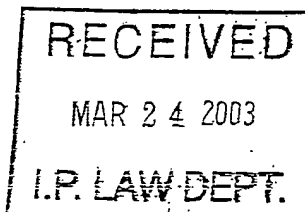


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/92,681	11/19/2001	Peter A. Goode	68.0176	5874

7590 03/17/2003  
Schlumberger Technology Corporation  
Schlumberger Reservoir Completions,  
14910 Airline Road  
P.O. Box 1590  
Rosharon, TX 77583-1590



EXAMINER

DANG, HOANG C

ART UNIT PAPER NUMBER

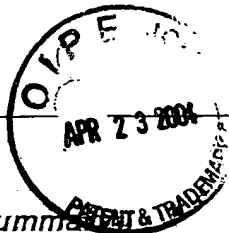
3672

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED ☒ UPDATED ☐  
RESPONSE: Non-Final ☐ FINAL ☐  
2 mos. 3 mos.  
Action(s)/Date(s): Rest. Req.  
4/17/03  
XL ☐ CPA ☐ Scan ☒ By: CH

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Office Action Summary

Application No.

09/992,681

Applicant(s)

GOODE ET AL

Examiner

Hoang Dang

Art Unit

3672

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-81 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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*Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-20, 31-56 and 61-81, drawn to a system or method usable with a subterranean well, classified in class 166, subclass 250.001.
- II. Claims 21-30, drawn to a resistivity tool, classified in class 324, subclass 352.
- III. Claims 57-60, drawn to a method of establishing fluid communication between an exterior of a casing and its interior, classified in class 166, subclass 297.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II or III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the detailed structure of the resistivity tool (e.g., transmitter, receiver, circuit) of Group II or the piercing of the casing of Group III are not required by the combination claims (e.g., see claims 1, 11, 75, 79). The subcombination has separate utility such as a tool for measuring resistivity having no packer or/and puncher (Group II) and a method for producing a well wherein the communication between the exterior of the casing and its interior thereof is for the purpose of production.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and the search required for one



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Group is not required for another Group, restriction for examination purposes as indicated is proper.

4. This application further contains claims directed to the following patentably distinct species of the claimed invention: the species of figures 2-12; the species of figures 13-14; the species of figures 13-14; the species of figure 15; the species of figures 16-17; the species of figure 18; the species of figures 20-21

Applicant is further required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

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examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Dang whose telephone number is 703-308-2149. The examiner can normally be reached on 9:15-5:45 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bagnell can be reached on 703-308-2151. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Application/Control Number: 09/992,681

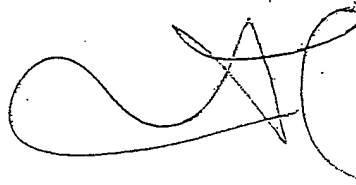
Page 5

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

Hoang Dang  
Primary Examiner  
Art Unit 3672

09992681.res  
March 13, 2003.

A handwritten signature in black ink, consisting of a large, stylized 'H' followed by a cursive 'D' and a final flourish.

## **EXHIBIT 2**



PTO/SB/97 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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To: EXAMINER H. DANG  
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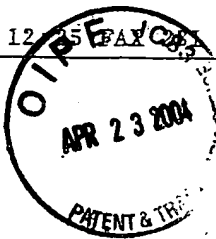
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Cherita Persons-Grimstead

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1. Transmittal of Response to Restriction Requirement for Patent Application Serial Number 09/992,681. [Our Ref: 68.0176US] (2 pages)
2. Authorization to charge any fees to Deposit Account No. 50-0457.



\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
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50-0457